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CLEVELAND, OH 44114

In re Application of :
MAIER, WILHELM F., et al. :
Application No. 09/582,116 : DECISION ON PETITION
Filed: September 18, 2000 :
Attorney Docket No. 975902600043 :
:

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 C.F.R. 1.181, received in the United States Patent and Trademark Office (USPTO) on May 14, 2004.

The petition is **DISMISSED**.

The application was held abandoned for Applicants failure to timely pay the issue fee and publication fee, if applicable, within the three (3) month statutory period to reply, as required in the Notice of Allowance and Fee(s) Due, mailed December 1, 2003.

The Office acknowledges receipt of PART B – FEE(S) TRANSMITTAL on March 1, 2004, as evidenced by the “Office Date” stamp thereon and thereafter scanned as a computer image into the Image File Wrapper (IFW) system. The FEE(S) TRANSMITTAL authorized that the Issue Fee, and Advance Order Copies Fee be charged to Deposit Account No. 50-1432.

Unfortunately, on March 4, 2004, when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account.

The petitioner therefore has not complied with 37 CFR 1.25(b), which states in part:

- ... An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.
- ... An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted.”

In light of the non-compliance with 37 CFR 1.25(b), the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

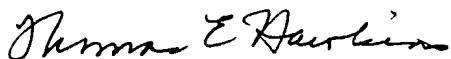
- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidably* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquires with respect to filing a petition under 37 CFR 1.137 may be directed to the Office of Petitions at 703-305-9282 or 9285 or addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250.



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